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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/675,517
Filing Date: September 30, 2003
Appellant(s): AARON ET AL.

Bellsouth Intellectual Property Corporation
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/7/2007 appealing from the Office action mailed 8/22/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Patent Application 2003/0023772 A1	Vinberg	30 January 2003
U.S. Patent Application 2004/0148526	Sands et al.	29 July 2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

This Office action corresponds to application 10/675,517 and Applicant's remarks/amendments filed on 6/29/2006.

Claims 1-20 remain pending in the prosecution of this case.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under.35 USC 103(a) as being obvious over Vinberg (U.S. 2003/0023722 A1), in view of Sands (U.S. 2004/0148526 A1).

Regarding claim 1, Vinberg discloses a method of outputting an alert indicating that an event has occurred, the method comprising:

obtaining a status from a sensor (Figure 3A, elements 305-319., paragraph 0030); status information from each element is the equivalent of status from a sensor', see also element 120),

generating the alert (Figure 4, element 410, paragraph 0050);

applying a filter to determine whether to modify a severity of the alert (Figure 4, element 420, paragraph 0053*, see also paragraph 0028), and outputting the alert (Figure 4, element 430, paragraph 0053).

Vinberg does not explicitly disclose wherein the event is unauthorized, and retrieving personnel information comprising identity and status information for the personnel from a database, the personnel information relating to the sensor.

In the same field of endeavor (alerts in response to detection of an event) Sands discloses wherein the event is unauthorized (elements 455 and 465, paragraphs 0083 and 0085), and retrieving personnel information from a database, the personnel information relating to the sensor (Figure 4, elements 410 and 435, paragraphs 0069 and 0076).

Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Sands' teachings of detection of an unauthorized event and retrieving personnel information from a database with Vinberg's teachings of alert generation to obtain. the disclosed Limitations. Sands suggests in paragraph 0085 that actions need to be taken in the event of conditions relating to the

personnel information of the database. Vinberg suggests monitoring and managing ongoing processes in paragraph 0002, and in paragraph 0050 that any condition known to one of skill in the ad may be used in the detection of alert conditions.

Regarding claim 2, further comprising retrieving information relating to a prior event from the database, Vinberg teaches in paragraph 0042 the use of an alert condition, database, which a filter module processes events that have been stored prior to processing. In this instance alert conditions objects are the equivalent of prior events.

Regarding claim 3, further comprising accumulating the alert, (Vinberg, paragraph 0037).

Regarding claim 4, further comprising re-evaluating the severity of the alert, Vinberg teaches in paragraph 0025 the use of an automatic discovery utility that can be used to continually monitor the status of components in a system (the equivalent of sensors). The evaluation of a severity of an event, discussed in paragraph 0026, is continuously evaluated and re-evaluated.

Regarding claim 5, further comprising re-evaluating the uncertainty of the alert, Vinberg teaches in paragraph 0025 the use of an automatic discovery utility that can be used to continually monitor the status of components in a system (the equivalent of

sensors. The evaluation of the uncertainty of an event, (called likelihood in Vinberg) is discussed in paragraph 0026, and is continuously evaluated and re-evaluated.

Regarding claim 6, further comprising applying a filter to determine whether to limit outputting of the alert (Vinberg, paragraph 0053).

Regarding claim 7, further comprising outputting a recommendation relating to the alert, Vinberg teaches the limitation in the disclosure of a warning in paragraph 0050. A warning is a recommendation to an operator to consider the effects of a message sent from a device.

Regarding claim 8, wherein obtaining a status from a sensor includes obtaining a status from one of an infrared sensor, a physical sensor, a motion detection senor, a ireless sensor, an audio pattern recognition device, a video pattern recognition device, a card reader, a biometric sensor, a software monitoring device, a trip wire, an electric eye, a pressure sensor, an access panel switch, a door switch, a microwave sensor, and a System Network Management Protocol (SNMP) trap source/event message, Sands discloses the use of a biometric sensor in paragraph 0023 et seq. The same motivation to combine the teachings of Sands and Vinberg applied in claim 1 applies equally as well to the rejection of claim 8.

Regarding claim 9, wherein outputting the alert includes outputting one of a telephone message, an electronics message, a paper message, a visual indication, and an auditory indication, Vinberg discloses in paragraph 0022 a visualization workstation (element 105) that gets notification of events, which are the equivalent of a visual indication.

Regarding claim 10, Vinberg discloses a system for outputting an alert, the system comprising:

a sensor interface (Figure 3A, elements 305-319, paragraph .0030; status information from each element is the equivalent of status from a sensor', see also element 120);

a database (element 110, paragraph 0023);

an alert processor in communication with the sensor interface and the database (paragraph 0024, element 1 15), wherein the alert processor is configured to retrieve personnel information from the database, generate the alert (Figure 4, element 410, paragraph 0050)', apply a filter to determine whether to modify the severity of the alert (Figure 4, element 420, paragraph 0053, see also paragraph 0028), and output the alert (Figure 4, element 430, paragraph 0053).

Vinberg does not explicitly disclose retrieving personnel information from a database, the personnel information comprises identity and status information for the personnel and is related to the sensor.

In the same field of endeavor (alerts in response to detection of an event) Sands discloses retrieving personnel information from a database, the personnel information comprises identity and status information for the personnel and is related to the sensor Figure 4, elements 410 and 435, paragraphs 0069 and 0076).

Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Sands' teachings of detection of an unauthorized event and retrieving personnel information from a database with Vinberg's teachings of alert generation to obtain the disclosed limitations. Sands suggests in paragraph 0085 that actions need to be taken in the event of conditions relating to the personnel information of the database. Vinberg suggests monitoring and managing ongoing processes in paragraph 0002, and in paragraph 0050 that any condition known to one of skill in the art may be used in the detection of alert conditions.

Regarding claim 11, wherein the alert processor includes an alert generation module (Vinberg, figure 2, element 220, paragraph 0037).

Regarding claim 12, wherein the alert processor includes an input module, Vinberg teaches in Figure 3C messages coming from a plurality of disparate devices (Figure IB, element 115). It was obvious to a person of ordinary skill in the art at the time the invention to use management application 1 15 to format objects created from system events into a format readable by other components of the system.

Regarding claim 13, wherein the alert processor includes a filter module (Vinberg, figure 2, element 230, paragraph 0042).

Regarding claim 14, wherein the alert processor includes an alert uncertainty and severity estimation module (Vinberg, figure 2, element 230, paragraph 0048).

Regarding claim 15, wherein the alert processor includes a rule and algorithm update module (Vinberg, figure 2, element 205, paragraph 0027).

Regarding claim 16, wherein the alert processor includes a filter/mode selection module (Vinberg, figure 2, element 205, paragraph 0027). Paragraph 0027 of Vinberg details a module that provides access and modification to objects in the system enabling an operator to define criteria under which alert notifications may be reported. The filter criteria maintenance module then meets the limitations of both a rule and algorithm update module and a filter/mo' de selection module.

Regarding claim 17, wherein the alert processor includes an alert output module (Vinberg, figure 2, element 235, paragraph 0043).

Claim 10 is essentially the same as claim 1 except that it set forth the claimed invention as a system rather than a method and are rejected for the same reason as applied hereinabove.

Claims 18, 19, 20 are essentially the same as claims 1, 8, 9 except that it set forth the claimed invention as a system rather than a method and are rejected for the same reason as applied hereinabove.

(10) Response to Argument

Applicant's arguments filed 3/7/2007 have been fully considered but they are not persuasive.

On page 6 of applicant's Appeal Brief, it is argued that the cited references do not disclose or suggest that the personnel information stored in the database includes both identity and status information of the personnel.

The Examiner respectfully disagrees. In figures 3 and 4 and descriptions of starting at paragraph 0067, a user ID within a biometric profile is disclosed (corresponding to *identity information).* At least element 420 of figure 4 and paragraph [0073] discloses that a location may be disabled (corresponding to *status information).*

In further explanation, Sands also discloses in [0073] that certain locations may be disabled regardless of who is logging in. This may be done due to administrator customizable criterion, among others. To exemplify an administrator customizable criterion, Sands discloses in [0054] that an administrator (i.e. enrollment officer) can configure a user's profile in an effort to control which users are allowed to use the system. The Examiner respectfully submits that a configuration such as disclosed in a

user's profile sufficiently teaches status information (i.e. the locations at which a user is allowed to use.

The Examiner further submits that the status information (in a users profile) is also stored *with* that biometric profile of the user. For example, Sands states in part of [0013] a method of authenticating a user comprising: obtaining a *user profile* and receiving biometric information. From this teaching, it is therefore easily construed from [0054] and [0013] that a user profile may store access configurations (i.e. privileges) along with biometric information. In an authentication process (i.e. figure 4) Sands teaches that a user's profile information is retrieved from a database (see also drawing reference 410 and paragraph [0069] and further drawing reference 205 of figure 2 wherein Sands illustrates the authentication process). In the illustration of figure 2 it can be clearly seen (via directional arrow from 205 to 215) that an authentication policy (215) retrieves information (i.e. a user's profile including biometric and status information) from a database (205).

In response to applicant's argument on pages 5-6 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it

would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the retrieving personnel information from a database that includes both identity and status information for the personnel of Sands' to provide a substantial access control and ease of administration to Vinberg's system (Sands, abstract).

Furthermore, the teachings of Sands would have given Vinberg an alert condition for the providing improved alert messaging. For example Sands teaches in [0095], the secure policy, of generating an alert sent to security via email. In [0007], Vinberg discloses a need for filtering messages so only the meaningful messages remain. Sands' invention would have provided a meaningful message (such as an email from a secure authentication failure) to allow Vinberg to detect the message as meaningful. Further yet, Sands discloses alert conditions (such as the security policies in [0095]) which would have also given Vinberg an improved alert messaging system (needed by Vinberg at paragraph [0008]).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Robert M. Timblin

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